

United States District Court
 Southern District of Texas
 FILED

JAN 19 2024

Nathan Ochsner, Clerk

United States District Court
 Southern District of Texas

ENTERED

January 19, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF TEXAS
 MCALLEN DIVISION

UNITED STATES OF AMERICA

§

VS.

§

SOUNDRA LOPEZ

§

CRIMINAL NO. 7:19-CR-1094-6-S

**REPORT AND RECOMMENDATION
 OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge submits this Report and Recommendation to the United States District Judge pursuant to 28 U.S.C. § 636(b)(3). This case has been referred, by order of the District Judge, to the Magistrate Judge for the taking of a felony guilty plea and the Federal Rule of Criminal Procedure Rule 11 Allocution. All parties executed a waiver of the right to plead guilty before a District Judge as well as a consent to proceed before a Magistrate Judge.

On January 19, 2024, the Defendant and counsel appeared before the Magistrate Judge, who addressed the Defendant personally in open court and informed the Defendant of the admonishments under Rule 11 of the Federal Rules of Criminal Procedure and determined that the Defendant was competent to plead guilty and fully understood said admonishments.

The Defendant pleaded guilty to Count Four (violation of Title 18, United States Code, Sections 1344 and 1349) of the Superseding Indictment. **The Magistrate Judge summarized the written plea agreement in the presence of the Defendant and counsel.** The plea agreement was confirmed and ratified on the record by the parties. The Magistrate Judge explained to the Defendant that this agreement was not binding on the District Judge.

The Magistrate Judge explained that the District Judge is obligated to calculate the applicable sentencing guideline range under the Sentencing Guidelines promulgated by the United States Sentencing Commission and to consider that range in determining the Defendant's sentence. *See Fed. R. Crim. P. 11(b)(1)(M).* The Magistrate Judge explained that the Defendant could receive a term of supervised release. The Magistrate Judge explained the range of punishment with regard to imprisonment, fines, restitution, supervised release, and the statutory fee assessment. The Magistrate Judge explained supervised release and that a violation of the terms of supervised release could result in additional jail time. The Magistrate Judge informed the Defendant that a conviction in this case may result in Defendant losing certain civil rights. The Magistrate Judge informed the Defendant that, if a person who is not a United States citizen is convicted of a crime, they may be removed from the United States, denied citizenship, and denied admission to the United States in the future. *See Fed. R. Crim. P. 11(b)(1)(O).*

The Magistrate Judge finds the following:

1. The Defendant, with the advice of counsel, has consented orally and in writing to enter this guilty plea before the Magistrate Judge, subject to final approval and sentencing by the District Judge;
2. The Defendant fully understands the nature of the charges and penalties;
3. The Defendant understands their Constitutional and statutory rights and wishes to waive these rights;
4. The Defendant understands the terms of the plea agreement, if applicable, including any provisions waiving the right to appeal or to collaterally attack the sentence;
5. The Defendant's plea is made freely and voluntarily;
6. The Defendant is competent to enter this plea of guilty; and
7. There is an adequate factual basis for this plea.

Recommendation

The Magistrate Court **RECOMMENDS** that the District Judge accept the plea of guilty and enter final judgment of guilt against the Defendant.

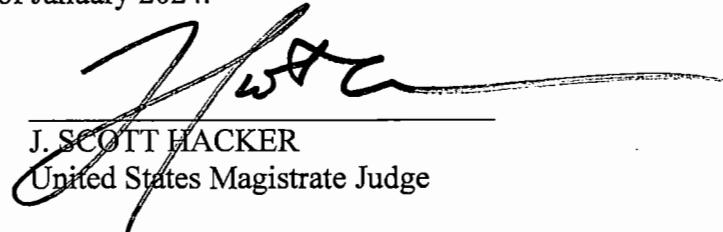
Warnings

The parties may file objections to this Report and Recommendation. A party filing objections must specifically identify those findings or recommendations to which objections are being made. The District Judge need not consider frivolous, conclusive, or general objections. *Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc)).

A party's failure to file written objections to the proposed findings and recommendations contained in this Report within fourteen (14) days after being served with a copy of the Report shall bar that party from *de novo* review by the District Judge of the proposed findings and recommendations and, except upon grounds of plain error, shall bar the party from appellate review of proposed factual findings and legal conclusions accepted by the District Judge to which no objections were filed. See 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985); *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc).

The Clerk is directed to send a copy of this Report and Recommendation to all parties.

SIGNED at McAllen, Texas this 19th day of January 2024.



J. SCOTT HACKER
United States Magistrate Judge